

FILED
12/1/22 11:19 am
CLERK
U.S. BANKRUPTCY
COURT - WDPA

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

Samuel Balbuena and
Rebecca Balbuena,

Debtors

Case No. 18-70874-JAD

Chapter 13

Samuel Balbuena and
Rebecca Balbuena,

Movants

Related to Docket No. 59

vs.

Ronda J. Winnecour, Esquire /
Chapter 13 Trustee,

Respondent

ORDER APPROVING POSTPETITION AUTOMOBILE FINANCING

This matter comes before the Court upon the [MOTION OF THE DEBTOR FOR POSTPETITION FINANCING] [Dkt. No. 59] (“Motion”) filed by Debtor on November 30, 2022. The motion was filed as a Consent Motion. Based upon the foregoing, and for good cause shown, it is hereby **ORDERED, ADJUDGED, and DECREED** that:

1. The Motion at Docket Number 59 is **GRANTED** as provided by the terms of this Order. Debtor is authorized to obtain secured financing for the purchase of a replacement vehicle on the following terms:

(a) The total amount of financing **shall not exceed**

\$25,000.00; and

(b) The monthly payments made under the financing agreement **shall not exceed \$450.00.**

(c) The interest rate **shall not exceed 20%.**

2. To the extent that the Debtor secure financing for the purchase of a new vehicle, such payments **shall be made through the chapter 13 plan.** Within **30 DAYS** of securing such financing, Debtor shall file:

(a) An amended chapter 13 plan; and

(b) A report of financing, including details of automobile, if applicable.

3. To ensure the prompt and timely payment of the automobile loan, Debtor shall make a supplemental payment to the chapter 13 trustee **within 7 days** of filing the report of financing (and each month thereafter as necessary) in an amount sufficient for the trustee to cover the installments due on the loan. The supplemental payments shall be in addition to the regular plan payment, pending confirmation of the amended plan.


4. Upon the filing of the report of financing, including details of automobile, if applicable, the chapter 13 trustee is authorized to cease making payments to the prepetition automobile lender, on the account (NONE), if applicable. Pending confirmation of any amended plan providing for the new postpetition loan payments, the trustee is authorized to make monthly adequate protection payments for the contract amount so long as sufficient supplemental funds are provided by the Debtor.

5. Notwithstanding the inclusion of the post-petition loan within an amended chapter 13 plan, the underlying terms of the loan shall not be modified absent the consent of the creditor.
6. Debtor shall serve copies of this Order on all creditors eligible to receive distributions through the chapter 13 plan and filed proof of the same with the Court.

Prepared by: Lawrence W. Willis, Esquire

Dated: December 1, 2022

BY THE COURT:



Jeffery A. Deller, jah
United States Bankruptcy Judge

Case Administrator to Mail to:
Debtor(s)
Counsel for Debtor(s)
Ronda J. Winnecour, Esq.
Office of the U.S. Trustee

In re:
Samuel Balbuena
Rebecca Balbuena
Debtors

Case No. 18-70874-JAD
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-7

User: auto

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Date Rcvd: Dec 01, 2022

Form ID: pdf900

Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 03, 2022:

Recip ID	Recipient Name and Address
db/jdb	+ Samuel Balbuena, Rebecca Balbuena, 1931 Menoher Blvd., Johnstown, PA 15905-1728

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Dec 03, 2022

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 1, 2022 at the address(es) listed below:

Name	Email Address
Brian Nicholas	on behalf of Creditor DITECH FINANCIAL LLC bnicholas@kmlawgroup.com
Lawrence W. Willis	on behalf of Debtor Samuel Balbuena ecf@westernpabankruptcy.com urfreshstrt@gmail.com;willislr88866@notify.bestcase.com
Lawrence W. Willis	on behalf of Joint Debtor Rebecca Balbuena ecf@westernpabankruptcy.com urfreshstrt@gmail.com;willislr88866@notify.bestcase.com
Office of the United States Trustee	ustpregion03.pi.ecf@usdoj.gov
Ronda J. Winnecour	cmecf@chapter13trusteewdpa.com

District/off: 0315-7

User: auto

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Date Rcvd: Dec 01, 2022

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Total Noticed: 1

S. James Wallace

on behalf of Creditor Peoples Natural Gas Company LLC ecfpeoples@grblaw.com PNGbankruptcy@peoples-gas.com

Sindi Mncina

on behalf of Creditor DITECH FINANCIAL LLC smncina@rascrane.com

TOTAL: 7